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22907 7590 02/21/2008 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER TSUI, WILSON W	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/651,211

Applicant(s)

PYHALAMMI ET AL.

Examiner

Wilson Tsui

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-37 and 48-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-37 and 48-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to the RCE filed on: 11/30/07, and IDS filed on: 12/06/07.
2. Claims 1-13, and 38-47 are cancelled. Claims 14-37, and 48-53 are amended. Claims 54-62 are new. Claims 14-37, and 48-62 are pending.
3. The following claims are withdrawn, in view of new grounds of rejection necessitated by applicant's amendment:
  - Claims 1-9, 13, 14, 38-43, and 47 rejected under 35 U.S.C. 102(b) as being anticipated by Wilcock et al.
  - Claims 10-12, and 44-46 rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al in further view of Stubler et al.
  - Claims 15-23, 25-27, 29-32, 34-37, and 48-52 rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al in further view of Rothmuller et al
  - Claims 24, and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al and Rothmuller et al, in further view of Takahashi et al.
  - Claim 33 rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al and Rothmuller et al, in further view of Wang et al
  - Claim 53 rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al and Rothmuller et al, and Stubler et al, in further view of Wang et al

### ***Information Disclosure Statement***

4. The information disclosure statement (IDS) submitted on 12/06/07 is being considered by the examiner.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14, 54, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al (US Application: US 2001/0015756 A1, published: Aug. 23, 2001; filed: Feb. 20, 2001), in further view of Nagaoka (US Patent: 6992710, issued: Jan. 31, 2006, filed: Mar. 2, 2001).

With regards to claim 14, Wilcock et al teaches *a server, comprising:*

- *A memory* (paragraph 0158: whereas a server is used to store images and metadata)
- *A communications interface configured to connect to a wireless communication network* (paragraph 00158: whereas, information is communicated through wireless GSM network)
- *A processor configured to perform a method comprising:*  
*Storing, in the memory, images transmitted through the wireless communication network to the apparatus* (paragraph 0158: whereas, the server is used to store images and metadata), *each image having associated metadata categorizing said image according to at least two schemes, wherein said at least two schemes include*

*at least one of an image date, an image location (paragraph 0038: whereas, a date schema, and a location schema is implemented, such that they are stored in external storage, such as a server (paragraph 0158)), and the images are stored in a database at the memory, the database including at least one virtual folder corresponding to each of the at least two metadata schemes (Fig 3, paragraphs 0038, 0052, and 0053: whereas, when the images are stored in a database in memory, they include at least one virtual folder corresponding to a collective date, and location schema). However, Wilcock et al does not expressly teach a copy of each image being stored in a single location within the memory, each virtual folder including a pointer to the image location.*

*Yet, Nagaoka teaches a copy of each image being stored in a single location within the memory, each virtual folder including a pointer to the image location (Fig 3: whereas each Virtual folder/directory includes a pointer to the single image location). It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Wilcock et al's virtual folder/database system, such that each folder/directory includes a pointer to a single image location, as similarly taught by Nagaoka. The combination of Wilcock et al, and Nagaoka would have allowed Wilcock et al to have "improved the convenience of users in file management improved effectively by enabling the user to give an arbitrary file name and directory name with maintaining the compatibility with the existing file management structure" (Nagaoka, column 1, lines 55-64)*

With regards to claim 54, for a method, which is similar to the method performed by the apparatus of claim 14, is rejected under similar rationale.

With regards to claim 55, which depends on claim 54, for a method, which is similar to the method performed by the apparatus of claim 14, is rejected under similar rationale.

6. Claims 15-23, 25-27, 29-32, 34-37, 48-52, and 56-62 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al (US Application: US 2001/0015756 A1, published: Aug. 23, 2001, filed: Feb. 20, 2001), in view of Nagaoka (US Patent: 6992710, issued: Jan. 31, 2006, filed: Mar. 2, 2001), and further in view of Rothmuller et al (US Application: US 2003/0033296 A1, published: Feb. 13, 2003, filed: Jul. 17, 2002)

With regards to claim 15, which depends on claim 14, Wilcock et al teaches *wherein at least one of the schemes comprises image date* (as similarly explained in the rejection for claim 14, and is rejected under the same rationale), *and wherein the processor is further configured to perform steps comprising: providing a user interface to select at least one date, and displaying information regarding images corresponding to the selected date* (paragraph 0088-0094: whereas a user uses a filter control in a user interface to specify images corresponding to a specific date). However, Wilcock et al does not expressly teach providing a user interface to select at least one date *component, comprising a year, a month, or a day.*

Rothmuller et al teaches providing a user interface to *select at least one date-scheme component comprising a year, a month or a day*, and displaying information about the images (Fig 1, paragraph 0030: whereas, a user specifies in the search criteria a lower

bound and upper bound comprising a specific year, month, and day by means of a time line, and the images are displayed as thumbnails in a user interface).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Wilcock et al's scheme filtration/selection system, to have further included specifying specific date-scheme criteria, including year, month, and day as explained by Rothmuller et al. The combination of Wilcock et al, Nagaoka, and Rothmuller et al would have allowed Wilcock et al to have "selected, sorted, organized, and found objects based on their tagged metadata content" (Rothmuller et al, paragraph 0004).

With regards to claim 16, which depends on claim 14, Wilcock et al, Nagaoka, and Rothmuller et al teaches *wherein information regarding images comprises thumbnail images of the images*, as similarly explained in the rejection for claim 15, and is rejected under the same rationale.

With regards to claim 17, which depends on claim 15, Wilcock et al, Nagaoka, and Rothmuller et al teach *the processor is further configured to perform steps comprising: providing a user interface to select a year and displaying, as part of the user interface* (whereas selecting a date-scheme component (such as a year), and displaying image data, as similarly explained/taught by Rothmuller et al in the rejection for claim 15).

However, the combination of Wilcock et al, Nagaoka, and Rothmuller et al, that was explained in the rejection for claim 15, does not expressly explain the teachings for the displaying to include *displaying as part of the user interface to select a year, an*

*indication of the years for which there are stored images having metadata corresponding to an indicated year.*

Yet, Rothmuller et al further teaches the displaying to include *displaying as part of the user interface to select a year, an indication of the years for which there are stored images having metadata corresponding to an indicated year* (as shown by histograms within the timeline of Figure 1).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have the combination of Wilcock et al, Nagaoka, and Rothmuller et al as discussed in the rejection for claim 15, to have further included the teachings to *displaying as part of the user interface to select a year, an indication of the years for which there are stored images having metadata corresponding to an indicated year*, as also taught by Rothmuller et al. The combination of Wilcock et al, Nagaoka, and Rothmuller et al would have allowed Wilcock et al to have showed "*the distribution of the objects stored in the database [such that they can] be displayed as a histogram along a time line*" (Rothmuller et al, paragraph 0008)

.With regards to claim 18, which depends on claim 17, Wilcock et al, Nagaoka, and Rothmuller et al teach wherein the processor is further configured to perform steps comprising: selecting a date component (such as a year) and displaying upon selection of a year (as explained in the rejection for claim 17). However, the combination of Wilcock et al and Rothmuller et al as explained in the rejection for claim 17 does not expressly explain, *an indication of the months of the selected year for which there are stored images having metadata corresponding to an indicated month.*



Yet, Rothmuller et al further teaches the displaying to include *upon selection of a year, an indication of the months of the selected year for which there are stored images having metadata corresponding to an indicated month* (as shown by the histograms within the timeline of Figure 1, the months for which there are stored images are shown).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have the combination of Wilcock et al, Nagaoka, and Rothmuller et al as discussed in the rejection for claim 17, to have further included the teachings to include *upon selection of a year, an indication of the months of the selected year for which there are stored images having metadata corresponding to an indicated month*, as also taught by Rothmuller et al. The combination of Wilcock et al, Nagaoka, and Rothmuller et al would have allowed Wilcock et al to have showed "*the distribution of the objects stored in the database [such that they can] be displayed as a histogram along a time line*" (Rothmuller et al, paragraph 0008)

With regards to claim 19, which depends on claim 18, the combination of Wilcock et al , Nagaoka, and Rothmuller et al teach *displaying, upon selection*, as similarly explained in the rejection for claim 18. However, the combination of Wilcock et al, Nagaoka, and Rothmuller et al as explained in the rejection for claim 18, does not expressly teach *upon selection of a month, an indication of the days of the selected month for which there are stored images having metadata corresponding to an indicated day*.

Yet, Rothmuller et al further teaches the selecting to further include *upon selection of a month, an indication of the days of the selected month for which there are stored*

*images having metadata corresponding to an indicated day* (Fig 4: whereas the days of the selected month are shown and available for selection).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified the combination of Wilcock et al, Nagaoka, and Rothmuller et al, to further include upon selection of a month, an indication of the days of the selected month for which there are stored images having metadata corresponding to an indicated day, as also taught by Rothmuller et al. The combination of Wilcock et al, Nagaoka, and Rothmuller et al, would have allowed Wilcock et al to have further included a "representation in a view such that the days of the calendar indicate the number of objects having metadata associated with a given day of the week in a given week of the month" (Rothmuller et al, paragraph 0009)

With regards to claim 20, which depends on claim 19, Wilcock et al, Nagaoka, and Rothmuller et al teach displaying, upon selection of a month, an indication of the days of the selected month for which there are stored images having metadata corresponding to an indicated day, as similarly explained in the rejection for claim 19, and is rejected under the same rationale). However, the combination of Wilcock et al, Nagaoka, and Rothmuller that was explained in the rejection for claim 19, does not expressly teach the selection of a date, includes a selection of a date in the image area of a user interface. Yet, Rothmuller et al further teaches the selection to further include includes a selection of a date in the image area of a user interface, information regarding images having metadata corresponding to the selected day (as indicated by reference number 110 of

Fig. 1, a selection for a date to restrict viewing of images having metadata corresponding to the selected date).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified the combination of Wilcock et al, Nagaoka, and Rothmuller et al, to further include the selection of a date in the image area, as also explained by Rothmuller et al. The combination of Wilcock et al, Nagaoka, and Rothmuller et al would have allowed Wilcock et al to have "found particular photos ... " without having to know the hierarchical / directory based file structure for which the images have been stored (Rothmuller et al, paragraph 0003).

With regards to claim 21, which depends on claim 15, Wilcock et al, Nagaoka, and Rothmuller et al teaches:

- *Displaying an indication of years for which there are stored images having metadata corresponding to an indicated year, as similarly explained in the rejection for claim 17, and is rejected under the same rationale.*
- *Displaying an indication of months for which there are stored images having metadata corresponding to an indicated month, as similarly explained in the rejection for claim 18, and is rejected under the same rationale.*
- *Displaying an indication of days for which there are stored images having metadata corresponding to an indicated day, as explained in the rejection for claim 19, and is rejected under the same rationale.*

Additionally Rothmuller teaches *providing a user interface*, as similarly explained in the rejection for *selecting years, months, and days*, as explained in the rejection for claim

15. Rothmuller et al further teaches the user interface and selection to further include *simultaneously displaying years, months and days for sequential user selection* (Figure 1: whereas, the years, months, are simultaneously displayed sequentially via the time line (reference number 250), and the days are displayed as well in the image area).

With regards to claim 22, which depends on claim 21, Wilcock et al, Nagaoka, and Rothmuller et al teaches:

- *Designating, upon selection of a year or month prior to selection of a day, a day of the selected year or month in which there are available images, as similarly explained in the rejection for claim 19 (since the calendar shows the particular days in which there are available images), and is rejected under similar rationale.*

Rothmuller et al teaches *displaying, prior to selection of a day*, as similarly explained in the rejection for claim 19, and is rejected under similar rationale. Rothmuller et al additionally teaches the displaying prior to selection of a day includes *information regarding images having metadata corresponding to the designated day* (Fig 1, reference number 100: whereas, no particular day is selected, and images that have matching metadata are displayed for each day.)

With regards to claim 23, Wilcock et al, Nagaoka, and Rothmuller et al teaches: a method for choosing a day of the selected month in which there are available images, as similarly explained in the rejection for claim 19, and is rejected under the same rationale. However, Wilcock et al, Nagaoka, and Rothmuller et al do not expressly teach randomly selecting a day.

Yet, random data/number generation is well known in the art. The examiner takes OFFICIAL NOTICE of this fact.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Wilcock et al, Nagaoka, and Rothmuller et al's method for designating/choosing a day, such that the day that is chosen using a random data/day generation, as well known in the art. The combination would have allowed a user of Wilcock et al's system to have automatically selected a day, for image selection/search. With regards to claim 25, which depends on claim 14, the combination of Wilcock et al, Nagaoka, and Rothmuller et al teaches *providing a user interface to select a date component of a displayed region, as similarly explained in the rejection for claim 15. Additionally, as explained in the rejection for claim 15, selecting a date component, via a time line. This time line, as further explained by Rothmuller et al, is used to "indicate a time period that can be used to search for matching objects in a database", and thus, a time period, is a subregion of time in a displayed region (Fig 1, reference number 100: a subregion display of days, reference number 250: a subregion display of months and days)). The displayed region in Fig 1, reference 100, shows images having metadata corresponding to the selected subregion.*

With regards to claim 26, which depends on claim 25, the combination of Wilcock et al, Nagaoka, and Rothmuller et al teaches *the step of displaying, as part of the user interface to select a subregion, an indication of the subregions for which there are stored images having metadata corresponding to an indicated subregion, as similarly explained in the rejection for claim 25 (since the time line used indicates further*

subregions that have metadata corresponding to an indicated subregion), and is rejected under similar rationale.

With regards to claim 27, which depends on claim 25, the combination of Wilcock et al, Nagaoka, and Rothmuller et al teaches *providing a user interface to select a sub-subregion of the selected subregion, the interface comprising an indication of the sub-subregions for which there are stored images having metadata corresponding to an indicated sub-subregion*, as similarly explained in the rejection for claim 19 (since the month of the calendar is indicative of a sub region, and there are marked days that indicate of particular sub-subregions for which there are stored images having metadata corresponding to an indicated sub-region), and is rejected under similar rationale.

With regards to claim 29, which depends on claim 14, Wilcock et al, Nagaoka, and Rothmuller et al teaches *at least one date scheme, comprises, at least two subcategories* (one being a year of image creation, and the other being a month of image creation), as explained in the rejection for claim 15, and is rejected under the same rationale. Additionally, the date scheme that Rothmuller teaches further includes each *image [being] indexed by each applicable subcategory* (paragraph 0025: whereas, each image stored, is indexed according to tag metadata).

With regards to claim 30, which depends on claim 29, Wilcock et al, Nagaoka, and Rothmuller et al similarly teach *wherein the at least one scheme comprises image date, and wherein the subcategories comprise year of image creation and month of image creation*, as similarly explained in the rejection for claim 29, and is rejected under similar rationale.

With regards to claim 31, which depends on claim 29, Wilcock et al, Nagaoka, and Rothmuller et al similarly teach the each image being indexed by an applicable subcategory, as explained in the rejection for claim 29. Rothmuller et al further teaches the subcategories to include a scheme comprising *one or more image subjects* (paragraph 0025: whereas, an image subject includes the subject of a photo/image), *and wherein the subcategories comprises individual subjects of at least one multisubject image* (paragraph 0025: whereas an image subject further includes individual subjects, such as place or event where the photo was taken.)

With regards to claim 32, which depends on claim 29, Wilcock et al, Nagaoka, and Rothmuller et al similarly teaches at least one scheme comprises image location (paragraph 0025: whereas, image location includes the city name), and wherein the subcategories comprises a region and a subregion (paragraph 0030: whereas, the image location scheme, can further include subcategories of region (country) and subregion (city) as explained in paragraph 0037).

With regards to claim 34, which depends on claim 14, Rothmuller et al teaches *displaying information about images, and receiving a selection*, as explained in the rejection for claim 15, and is rejected under similar rationale. Rothmuller et al further teaches the displaying of information about images includes *displaying information about images in a first image group* (Fig 1, paragraph 0030: whereas, information about images in a best match image group (best match based on tag search criteria including date and subject) are displayed), *displaying information about additional image groups of which the first image is also a member* (Fig 1, paragraph 0030: whereas, the first

image group is a member of a match/result set, and the second image group is also a member of a match/result set, and the information of the additional image groups are displayed in different background color or pattern), *and displaying upon selection from the additional image groups of a second image group, information about images in the second image group* (Fig 2: whereas, upon selection of an image group (such as a close match image group) in the image area 100 of Fig 1, additional information about the images are displayed). Additionally Rothmuller et al further teaches the receiving of a selection to include *receiving a selection of a first image from the first group* (Fig 1: whereas, an image is selected through the image area, and displayed in detail in Fig 2), *and receiving a selection of a second image group from the additional image groups* (Fig 1: whereas, the image is selected from a second group (such as a close match group) from the image area, and is displayed ).

With regards to claim 35, which depends on claim 34, Rothmuller et al teaches:

- *One of the schemes is one or more image subjects, as similarly explained in the rejection fro claim 31, and is rejected under similar rationale.*
- *The first image has associated metadata categorizing the image according to multiple subjects of the image, as similarly explained in the rejection for claim 31, and is rejected under similar rationale.*
- *The first image group comprises other images having metadata corresponding to one of the multiple subjects* (paragraph 0038: whereas, the first image group / "best match" group comprises other images having metadata corresponding to one of the multiple subjects/tags).



- *The second image group comprises images having metadata corresponding to another of the multiple subjects (paragraph 0038: whereas, the second image group , such as the "close match" group comprises images having metadata corresponding to another of the multiple subjects)*

With regards to claim 36, which depends on claim 14, the combination of Wilcock, Nagaoka, and Rothmuller et al teach:

*wherein one of the schemes comprises image date (as similarly explained in the rejection for claim 15, and is rejected under similar rationale) and one of the schemes comprises one or more image subjects (as similarly explained in the rejection for claim 31, and is rejected under similar rationale), and wherein the processor is further configured to perform steps comprising: providing a user interface to select at least one date component comprising a year, a month or a day (as similarly explained in the rejection for claim 15, and is rejected under similar rationale), displaying information regarding images in a date-based group, each image in the date-based group having metadata corresponding to the selected date component (whereas, when a month is selected, information about the images corresponding to the month are displayed, as similarly explained in the rejection for claim 18, is rejected under similar rationale), receiving a selection of an image in the date-based group (as similarly explained in the rejection for claim 34, and is rejected under similar rationale), displaying information about first and second subject-based groups (as similarly explained in the rejection for claim 34, and is rejected under similar rationale), the first subject-based group containing images having metadata corresponding to a first subject of the selected*

*image* (as similarly explained in the rejection for claim 35, and is rejected under similar rationale), *and the second subject-based group containing images having metadata corresponding to a second subject of the selected image* (as similarly explained in the rejection for claim 35, and is rejected under similar rationale), *receiving a selection of the first subject-based group* (as similarly explained in the rejection for claim 34, and is rejected under similar rationale), *and displaying information regarding images in the first subject-based group* (as similarly explained in the rejection for claim 34, and is rejected under similar rationale).

With regards to claim 37, which depends on claim 14, Rothmuller et al teaches displaying information about images, as similarly explained in the rejection for claim 15. Additionally, Rothmuller et al further teaches the displaying of information about images further includes only displaying *stored images for multiple users, wherein the images are organized by user*. whereas, as explained in paragraph 0020, when a sharing profile is implemented such that pictures can only be shared between multiple users, when they certain user metadata conditions are satisfied).

With regards to claim 48, for a machine-readable medium performing a method similar to the method performed by the server of claim 14, is rejected under similar rationale.

With regards to claim 49, which depends on claim 48, for a machine-readable medium performing a method similar to the method performed by the server of claim 15, is rejected under similar rationale.

With regards to claim 50, which depends on claim 49, for a machine-readable medium performing a method similar to the method performed by the server of claim 21, is rejected under similar rationale.

With regards to claim 51, which depends on claim 48, for a machine-readable medium performing a method similar to the method performed by the server of claim 25, is rejected under similar rationale.

With regards to claim 52, which depends on claim 48, for a machine-readable medium performing a method similar to the method performed by the server of claim 36, is rejected under similar rationale.

With regards to claim 56, which depends on claim 54, for a method that is similar to the method performed by the apparatus of claim 15, is rejected under similar rationale.

With regards to claim 57, which depends on claim 56, for a method that is similar to the method performed by the apparatus of claim 17, is rejected under similar rationale.

With regards to claim 58, which depends on claim 57, for a method that is similar to the method performed by the apparatus of claim 18, is rejected under similar rationale.

With regards to claim 59, which depends on claim 58, for a method that is similar to the method performed by the apparatus of claim 19, is rejected under similar rationale.

With regards to claim 60, which depends on claim 59, for a method that is similar to the method performed by the apparatus of claim 20, is rejected under similar rationale.

With regards to claim 61, which depends on claim 56, for a method that is similar to the method performed by the apparatus of claim 21, is rejected under similar rationale.

With regards to claim 62, which depends on claim 54, for a method that is similar to the method performed by the apparatus of claim 36, is rejected under similar rationale.

7. Claims 24, and 28 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al (US Application: US 2001/0015756 A1, published: Aug. 23, 2001, filed: Feb. 20, 2001), in view of Nagaoka (US Patent: 6992710, issued: Jan. 31, 2006, filed: Mar. 2, 2001), in view of Rothmuller et al (US Application: US 2003/0033296 A1, published: Feb. 13, 2003, filed: Jul. 17, 2002), and further in view of Takahashi et al (US Patent: 5,537,528, issued: Jul. 16, 1996, filed: Feb. 16, 1993).

With regards to claim 24, which depends on claim 22, Wilcock et al, Nagaoka, and Rothmuller et al teaches choosing /selecting a day in which there are images, as similarly explained in the rejection for claim 19, and is rejected under similar rationale. However, Wilcock et al, Nagaoka, and Rothmuller et al does choosing the first day in a numerically ordered series of days.

Takahashi et al teaches choosing images in chronological order (column 4, lines 33-47). It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Wilcock et al, Nagaoka, and Rothmuller et al's day selection, such that the day is chosen in chronological order (thus choosing a first day among an

ordered series of days), as taught by Takahashi et al. The combination would have allowed Wilcock et al to have "enabled the user to select and rearrange scenes" (column 4, lines 6-10).

With regards to claim 28, which depends on claim 14, Wilcock et al, Nagaoka, and Rothmuller et al teach *grouping, upon designation of stored images by a user, the designated images into a user defined image folder*, as similarly explained in the rejection for claim 14, and is rejected under similar rationale. However, Wilcock et al, Nagaoka, and Rothmuller et al do not expressly teach *grouping, upon designation of stored images by a user, the designated images into a user-defined image folder, and grouping, upon designation of one or more image folders by a user, the designated folders into a higher level folder*.

However, Takahashi et al teaches *grouping, upon designation of stored images by a user, the designated images into a user-defined image node, and grouping, upon designation of one or more image nodes by a user, the designated nodes into a higher level node* (Fig 1a, Fig 1b: whereas, scenes are grouped upon designation of one or more nodes by a user, the designated nodes into a higher level node).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Wilcock et al, Nagaoka, and Rothmuller et al's image folder storage system, such that the images are grouped into folders using a hierarchical grouping technique taught by Takahashi et al. The combination would have allowed Wilcock to have implemented image/scene "information indicative of a hierarchical relationship of ... scenes" (Takahashi et al, claim 3).

8. Claim 33 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al (US Application: US 2001/0015756 A1, published: Aug. 23, 2001, filed: Feb. 20, 2001), in view of Nagaoka (US Patent: 6992710, issued: Jan. 31, 2006, filed: Mar. 2, 2001), in view of Rothmuller et al (US Application: US 2003/0033296 A1, published: Feb. 13, 2003, filed: Jul. 17, 2002), and further in view of Wang et al (US Patent: 5,802,361, issued: Sep. 1, 1998, filed: Sep. 30, 1994)

With regards to claim 33, which depends on claim 14, Wilcock et al, Nagaoka, and Rothmuller et al teach *selecting an image*, as similarly explained in the rejection for claim

However, Wilcock et al, Nagaoka, and Rothmuller et al do not expressly teach expressly teach *identifying, after selection of an image by a user, other images having metadata in common with the selected image, wherein the common metadata is metadata other than the metadata utilized to initially search for the selected image.*

Wang et al teaches *identifying, after selection of an image by a user, other images having metadata in common with the selected image, wherein the common metadata is metadata other than the metadata utilized to initially search for the selected image* (column 27, lines 1-10: whereas, the user selects an image, metadata/attributes of other images having metadata/attributes in common with the selected image(s), are identified).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Wilcock et al, Nagaoka, Rothmuller et al's image selection system, to have further included the ability to identify other images having metadata in

common with one or more selected images, as taught by Wang et al. The combination would have allowed Wilcock et al to have "retrieved images according to their similarity measures" (Wang et al, Abstract).

9. Claim 53 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al (US Application: US 2001/0015756 A1, published: Aug. 23, 2001, filed: Feb. 20, 2001) , in view of Rothmuller et al (US Application: US 2003/0033296 A1, published: Feb. 13, 2003, filed: Jul. 17, 2002), in view of Stubler et al (US Application: US 2002/0188602 A1, published: Dec. 12, 2002; filed: May. 7, 2001), in in view of Wang et al (US Patent: 5,802,361, issued: Sep. 1, 1998, filed: Sep. 30, 1994), and further in view of Nagaoka (US Patent: 6992710, issued: Jan. 31, 2006, filed: Mar. 2, 2001).

With regards to claim 53, Wilcock et al teaches

a wireless mobile device, including:

- *A digital camera, a user interface, a communication interface with a wireless communication network, and a processor configured to perform steps comprising: generating image files for images created with the digital camera* (whereas, a digital camera is used to generate images, which are stored as image files, such as the one shown by reference number 4, in Fig 3. Also, the portable/mobile imaging device is wireless as explained in paragraph 0158 and Fig 9 (whereas a digital camera has GSM capability).

*Obtaining location data from a base station for the wireless network .Assigning metadata to each image file contemporaneously with generation of each image, the metadata categorizing each image according to a first scheme comprising date of*

*image creation, (Fig 3, paragraph 0038: whereas, metadata includes a date scheme).*

- *... according to a second scheme comprising multiple subjects shown in an image, (paragraphs 0055, and 0056: whereas, a first subject comprises description metadata being shown in the image, and a second subject comprises semantic location metadata being shown in the image)... according to a third scheme comprising location of image creation (Fig 3, paragraph 0038: whereas, metadata includes a location scheme)*
- *... and transmitting the image files and assigned metadata, via the wireless communication network, for storage at a remote location such that the image files can subsequently be searched based upon the metadata (paragraph 0038, and paragraph 0158: whereas, the mobile image device has wireless capability, and transmits the image files with metadata to a storage server/computer)*
- *and a server for storing image data comprising: a memory, a communications interface configured to communicate with a wireless communication network, and a processor configured to perform a method comprising: storing images generated by the wireless mobile device and transmitted through the wireless communication network to the server, said storing comprising storing the images in a database in the memory, the database having at least one virtual folder corresponding to each metadata scheme, and wherein each image has at least one entry in each of the at least one folders (Fig 3, paragraphs 0038, 0052, and 0053: whereas, when the images are stored in a database in memory, they*



include at least one virtual folder corresponding to a collective date, and location schema).

Wilcock et al and Rothmuller et al teach:

- ... *providing a user interface to select a year, displaying, as part of the user interface to select a year, an indication of the years for which there are stored images having metadata indicating creation of an image in an indicated year, as similarly explained in the rejection for claim 17, and is rejected under similar rationale.*
- ... *providing a user interface to select a month of the selected year, displaying, as part of the user interface to select a month, an indication of the months for which there are stored images having metadata indicating creation of an image in an indicated month, as similarly explained in the rejection for claim 18, and is rejected under similar rationale.*
- ... *providing a user interface to select a day of the selected month, displaying, as part of the user interface to select a day, an indication of the days for which there are stored images having metadata indicating creation of an image on an indicated day, as similarly explained in the rejection for claim 19, and is rejected under similar rationale.*
- ... *displaying, upon selection of a day, information regarding images created on the selected day, as similarly explained in the rejection for claim 20, and is rejected under similar rationale.*

- ... *providing a user interface to select a subregion of a displayed region*, as similarly explained in the rejection for claim 25, and is rejected under similar rationale.
- ... *displaying, as part of the user interface to select a subregion, an indication of the subregions for which there are stored images having metadata indicating creation of an image in an indicated subregion*, as similarly explained in the rejection for claim 26, and is rejected under similar rationale.
- ... *displaying, upon selection of a subregion, information regarding images created in the selected subregion*, as similarly explained in the rejection for claim 25, and is rejected under similar rationale.

However, Wilcock et al and Rothmuller et al do not expressly teach *generating a prompt for a user to accept or modify a suggested subject for an image based upon data in another application program being executed by the processor*.

Stubler et al teaches *generating a prompt for a user to accept or modify a suggested subject for an image based upon data in another application program being executed by the processor*, as similarly explained in the rejection for claim 11, and is rejected under similar rationale.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Wilcock et al's mobile/camera device, such that it would further include the subject detection and prompting and detecting a subject that is taught by Stubler et al's computing device. The combination of Wilcock et al, Rothmuller et al, and Stubler et al would have allowed Wilcock et al to have "automatically selected

one or more stored images having metadata similar to the acquired image ... and ... generating one or more captions or labels for the acquired image" (Stubler et al, paragraph 0009).

However, the combination of Wilcock et al, Rothmuller et al, and Stubler et al do not expressly teach *identifying, after selection of an image by a user, other images having metadata in common with the selected image, wherein the common metadata is metadata other than the metadata utilized to initially search for the selected image.*

Wang et al teaches *identifying, after selection of an image by a user, other images having metadata in common with the selected image, wherein the common metadata is metadata other than the metadata utilized to initially search for the selected image* (column 27, lines 1-10: *whereas, the user selects an image, metadata/attributes of other images having metadata/attributes in common with the selected image(s), are identified*).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Wilcock et al, Rothmuller et al, and Stubler et al's image selection system, to have further included the ability to identify other images having metadata in common with one or more selected images, as taught by Wang et al. The combination would have allowed Wilcock et al to have "retrieved images according to their similarity measures" (Wang et al, Abstract).

However, the combination of Wilcock et al, Rothmuller et al, Stubler et al do not expressly teach *a copy of each image being stored in a single location within the memory, each virtual folder including a pointer to the image location.*

Yet, Nagaoka teaches *a copy of each image being stored in a single location within the memory, each virtual folder including a pointer to the image location* (Fig 3: whereas each Virtual folder/directory includes a pointer to the single image location).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Wilcock et al's virtual folder/database system, such that each folder/directory includes a pointer to a single image location, as similarly taught by Nagaoka. The combination of Wilcock et al, Rothmuller et al, Stubler et al, and Nagaoka would have allowed Wilcock et al to have "improved the convenience of users in file management improved effectively by enabling the user to give an arbitrary file name and directory name with maintaining the compatibility with the existing file management structure" (Nagaoka, column 1, lines 55-64)

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 14-37, 48-62 have been considered but are moot in view of the new ground(s) of rejection.

11. With regards to claims 14, 48, 53, and 54, the applicant argues that the cited prior art from the previous office rejection do not teach the amended virtual folder which further specify that a copy of each image is stored in single location and a pointer to the image location is placed in each appropriate folder". However, a new reference (Nagaoka) is used in combination with the previous references, as necessitated by applicant's amendment to teach the applicant's required limitation. The applicant is respectfully directed to the rejections above (such as the rejection for claim 14, or other

independent claims), for further explanation as to how the new combination teaches the amended claim limitations.

***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wilson Tsui whose telephone number is (571)272-7596. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


W.T. 02/14/08

Wilson Tsui  
Patent Examiner

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PRIMARY EXAMINER